



Privacy Culture & Personal Information Protection Act in Korea

September 28, 2017



CONTENTS

I Privacy Culture

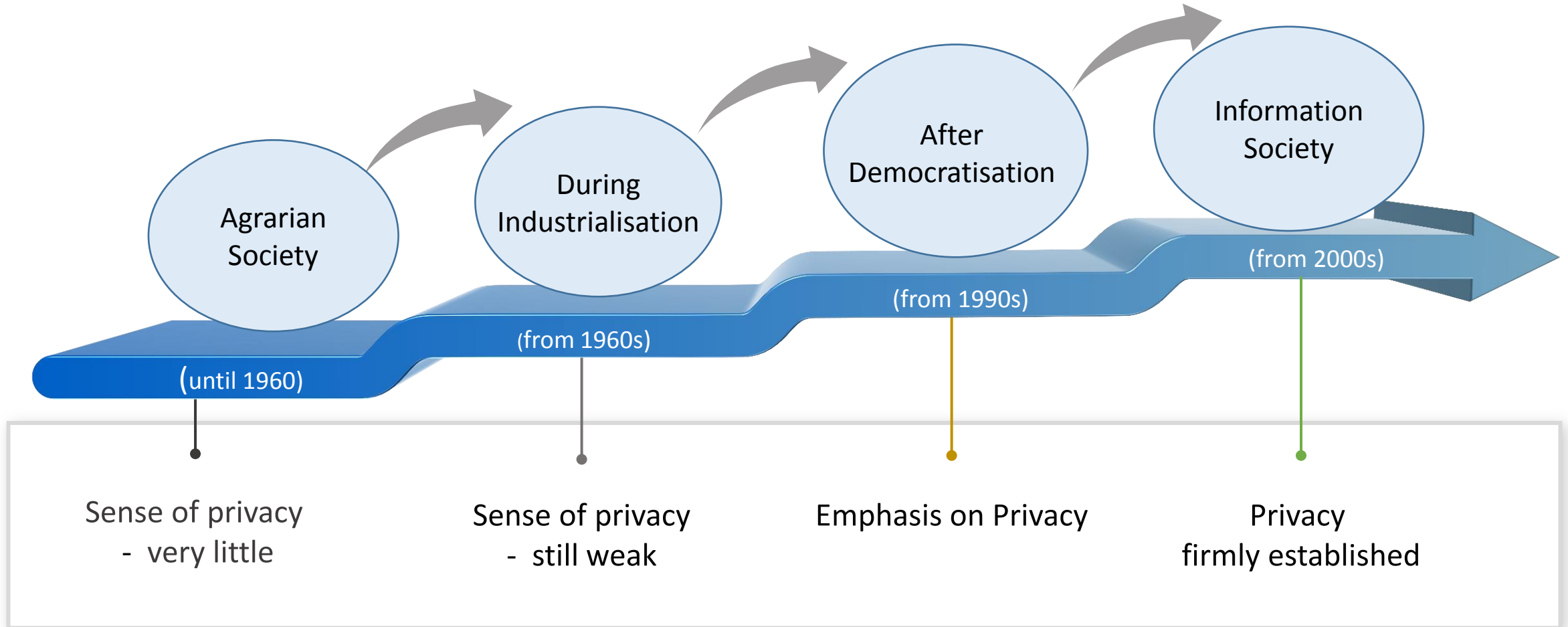
II Legal System of Personal Data Protection



I Privacy Culture



How it has evolved: 4 phases





Represented by:

- √ Agriculture-based community
- √ Confucianism

Privacy-related issues

- √ Concept of personal data not established
- √ Little sense of privacy
- * Sharing detailed information about individuals seen as a virtue



**During
Industrialisation**
(from 1960s)

Represented by:

- ✓ Efficiency in public administration
- ✓ National security and public order

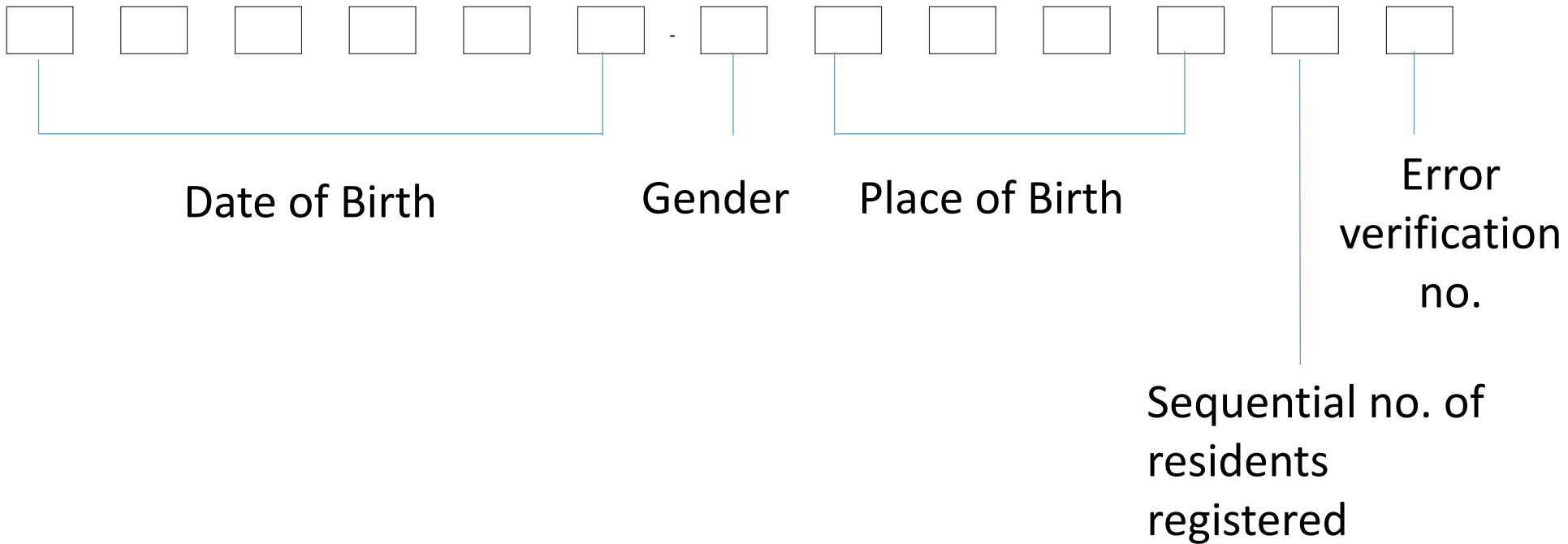
Privacy-related issues

- ✓ Identifying & managing residents efficiently
 - * Resident Registration Number (RRN) System (1968)
- ✓ Sense of privacy - still weak



For reference:

※ Resident registration numbers (RRN) comprise:





**During & after
democratisation**
(from 1990s)

Represented by:

- √ Recovery of democracy (military regime to civilian government)
- √ Respect for fundamental human rights & privacy

Privacy-related issues

- √ Emphasis on privacy
- √ e-Government fully in place
- √ Act on the Protection of Personal Information Maintained by Public Institutions enacted



Information Society

(From 2000s)

Represented by:

- ✓ High-speed broadband
- ✓ Hyper-connected society

Privacy-related issues

- ✓ Emphasis on “Informational Autonomy”
- ✓ The PIPA enacted & the PIPC established(2011)



II

Legal System of Personal Data Protection



1. How it has changed over the past 20 years

Legislation of the Act on the Protection of Personal Information Maintained by Public Institutions



1994

1999

The PIPA enacted
(The PIPC established)



2011

Restricted processing of RRN with strengthened punishment



2013

2016



Collection & processing of RRN only under the provisions of the relevant laws

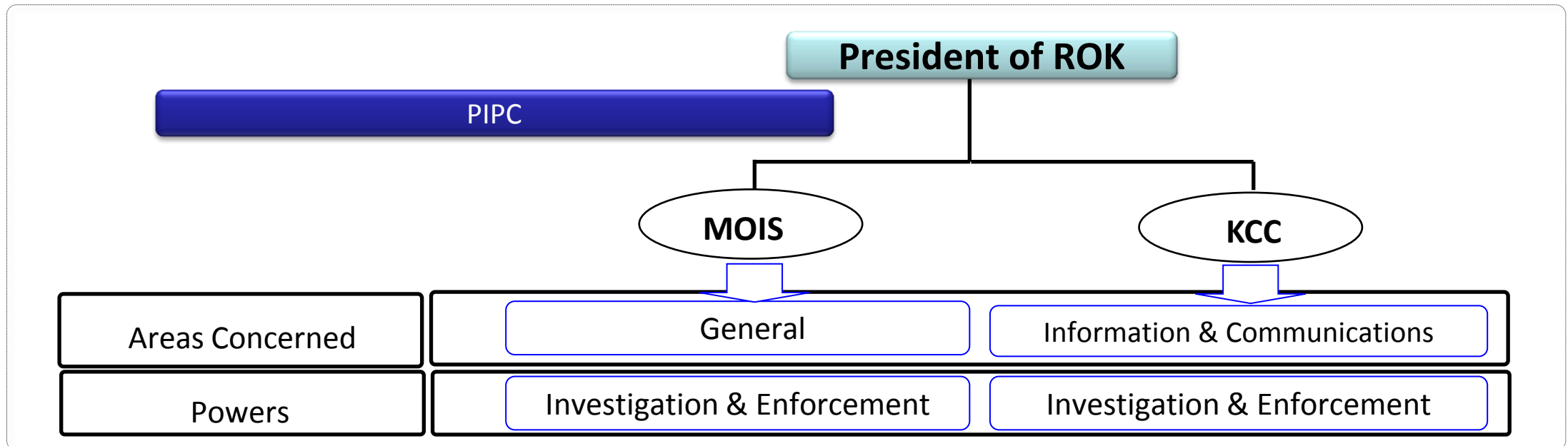
The Information Communications Network Act amended (provisions on personal data protection regulations added)



2. Data Protection Authorities

√ Powers of PIPC:

- to establish the Master Plan for personal data protection
- to assess privacy risk factors in laws & provide recommendation for improvement
- to mediate disputes & provide remedies





3. Characteristics of Data Protection Act (PIPA)

Flexibility-wise:

- √ Assessment of compatibility is not allowed
 - “Repurposing” not permitted
- √ Disclosure/sharing of personal data is much stricter than processing thereof
 - “Legitimate interest” not recognised
 - “Implementation of contracts” not included in the conditions for processing
- √ Prohibition of secondary disclosure (only by consent or under the law)



3. Characteristics of Data Protection Act (PIPA)

Strong sanctions

- √ Imprisonment of up to 10 years
- √ Fine of up to KRW 100 mil.
- √ Punitive damages system
(not exceeding 3 times the amount of damages)
- √ Statutory damages system
(not exceeding KRW 3 million)
- √ Collecting criminal proceeds



4. Under Discussion

A guiding agenda of the new Administration (Jul.19, 2017)

- √ Strengthening PIPC's powers as the control tower
- √ Ensuring the data subjects' rights

Consultation in progress (among PIPC, MOIS, KCC and Presidential Office)

- √ PIPC to be granted powers
 - ex-officio investigation, enforcement, sanctions, etc.
- √ PIPC's status to be enhanced as a completely independent Government body
 - personnel affairs, budget, etc.

Amendment to the PIPA on the way

- √ Bills proposed by National Assembly members



Q & A



Thank You!
